

1 [Urging the Metropolitan Transportation Commission and the State Legislature to strengthen
2 the privacy provisions of the Clipper card program]

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4 **Resolution urging the Metropolitan Transportation Commission and the State**
5 **Legislature to strengthen the privacy provisions of personal information by the Clipper**
6 **card program.**

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8 WHEREAS, The Clipper card is an electronic fare payment card for Bay Area public
9 transit agencies that is operated by the Metropolitan Transportation Commission (MTC); and

10 WHEREAS, As of December 2011, there are more than one million active Clipper
11 cards; and

12 WHEREAS, The MTC tracks the transit history of Clipper card users and links it to
13 users' personally identifiable information, such as their name, address, credit card number,
14 and other contact information; and

15 WHEREAS, The Clipper Privacy Policy allows the MTC to maintain all personally
16 identifiable information indefinitely for active Clipper accounts and for up to seven years after
17 accounts are closed or terminated; and

18 WHEREAS, The Clipper Privacy Policy allows the MTC to share personally identifiable
19 information with participating transit agencies, third-party contractors, the California
20 Department of Justice, and the Better Business Bureau; and

21 WHEREAS, Clipper cards store their users' entire transit history as unencrypted data;
22 and

23 WHEREAS, A recently designed smartphone application provides the ability to scan
24 any Clipper card and obtain the card's stored transit usage history; and
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1 WHEREAS, This smartphone application can be used without the Clipper card owner's
2 permission or knowledge simply by placing the smartphone near the Clipper card; and

3 WHEREAS, This public availability of Clipper card users' transit history creates a
4 potential public safety risk by exposing users' regular travel patterns; and

5 WHEREAS, This public availability of Clipper users' transit history potentially threatens
6 the constitutional protections of anonymous speech and associational privacy by revealing
7 users' transit usage near First Amendment activities; and

8 WHEREAS, SB 1268, authored by State Senator Joe Simitian and signed into law on
9 September 29, 2010, added Chapter 8 to Division 17 of the California Street and Highways
10 Code to limit transportation agencies ability to use, store, and retain personally identifiable
11 information obtained through electronic toll collection systems; and

12 WHEREAS, SB 1268 proscribes stricter limits on transportation agencies ability to
13 retain personally identifiable information than Clipper's current privacy policy; now, therefore,
14 be it

15 RESOLVED, That the Board of Supervisors urges the members of the California State
16 Assembly and Senate from San Francisco to legislate safeguards for the usage of personally
17 identifiable information by transit agencies; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors urges the MTC to revise the
19 Clipper Privacy Policy to purge users' transit usage history information after no more than four
20 years and six months, and to purge all personally identifiable information as soon as possible
21 after accounts are closed or terminated; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors urges the MTC to revise the
23 Clipper Privacy Policy to create stricter limits on the sharing of personally identifiable
24 information with third parties and participating transit agencies; and, be it
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FILE NO.

RESOLUTION NO.

1 FURTHER RESOLVED, That the Board of Supervisors urges the MTC to explore the
2 feasibility of encrypting the data stored on Clipper cards; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
4 to transmit copies of this resolution to the MTC and the members of the California State
5 Legislature from San Francisco with a request to take all action necessary to achieve the
6 objectives of this resolution.